

REMARKS

This is a full and timely response to the outstanding final Office Action mailed April 13, 2009. Claims 1-2 and 12-27 remain pending in the present application (claims 3-11 having been previously canceled). Claims 1 and 21 have been amended for clarification. Support for these amendments may be found, e.g., in numbered paragraphs 95 and 56, respectively, of the application as originally filed. These paragraphs correspond to paragraphs 111 and 72 of the copy of the specification discussed with the Examiner during the Interview noted below. No new matter has been added by this Amendment. In view of these amendments and the remarks that follow, reconsideration and allowance of the application and presently pending claims are respectfully requested.

Examiner Interview Summary

Applicant acknowledges with appreciation the courtesy extended by Examiner Mark Fearer during the interview with Applicant's representative, Jennifer Pearson Medlin, on July 2, 2009. During the Interview, the Examiner provided suggestions for amending the claims. Applicant's representative has amended in the claims based on the Examiner's suggestions.

Rejection of claims

Claims 1-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 20030172130 to Fruchtman et al. ("Fruchtman") in view of U.S. Published Patent Application N. 20020069369 to Tremain ("Tremain") and U.S. Published Patent Application No. 20020165942 to Ulrich et al. ("Ulrich"). Although it is not entirely clear from the Office Action, claims 21-27 also appear to be rejected under Section 103(a) on the same grounds. To the extent this rejection has not been rendered moot by the previous cancelation of claims, it is respectfully traversed.

Rejection of claims 1-20

Claim 1 recites an enterprise data backup and recovery system, comprising a first network and a second network in communication through a third network. The first network comprises, in part:

a first storage area network layer in communication with the first processor layer;

a first switching platform in communication with the first storage area network layer, wherein the first switching platform is an interface to a first access circuit terminating at the first network;

The second network comprises, in part:

a second storage area network layer in communication with the second processor layer;

a third storage layer in communication with the second storage area network layer and in communication with one or more application servers via a dedicated data connection;

a second switching platform in communication with the second storage area network layer, wherein the second switching platform is an interface to a second access circuit terminating at the second network;

...

wherein the first and second access circuits provide connectivity between components of the first and second networks via the first and second switching platforms.

The Action relies on Fruchtmann and Tremain for most of the features recited in claim 1. The Action admits, however, that Fruchtmann and Tremain fail to disclose a third storage layer in communication with the second storage area network layer in communication with one or more application servers. The Action points to Ulrich for this feature. In particular, at page 8, the Action asserts that Ulrich teaches a third storage layer in communication with the second storage area network and in communication with one or more application servers via dedicated data connection. However, Applicant can find no disclosure or suggestion in Ulrich of a third storage layer in

communication with the second storage area network layer and in communication with one or more application servers via a dedicated data connection as recited in claim 1. Accordingly, Ulrich fails to make up for the deficiencies of Fruchtman and Tremain, and claim 1 is patentable over any combination of Fruchtman, Tremain, and Ulrich for at least this reason.

In addition, claim 1 has been amended to clarify that the first network comprises a first switching platform in communication with the first storage area network layer, wherein the first switching platform is an interface to a first access circuit terminating at the first network, and the second network comprises a second switching platform in communication with the second storage area network, wherein the second switching platform is an interface to a second access circuit terminating at the second network and wherein the first and second access circuits provide connectivity between components of the first and second networks via the first and second switching platforms. These features are not shown by any combination of Fruchtman, Tremain, and Ulrich. Accordingly, claim 1 is further patentable over any combination of these documents for this additional reason.

Claims 2 and 12-20 depend from claim 1 and are patentable for at least the same reasons. Claims 3-11 have been previously canceled, rendering the rejection of these claims moot.

Rejection of claims 21-27

Claim 21, as amended, recites an automated storage manager server resident on a first storage area network, comprising a processor that:

transfers information from a first storage region resident on the first storage area network to a second storage region resident on the first storage area network, wherein the first storage region is in direct communication through a dedicated data connection to one or more application servers; and

transfers information from the second storage region to a third storage region resident on a second stage area network via the third network,

wherein the server is connected via uplink and downlink gigabit connections to a routing switch for providing bandwidth for backup and recovery.

The Action relies on a combination of Fruchtman, Tremain and Ulrich for the features recited in claim 21. However, none of these documents discloses or suggests a processor that transfers information from a first storage region resident on the first storage area network to a second storage region resident on the first storage area network, wherein the first storage region is in direct communication through a dedicated data connection to one or more application servers. Accordingly, claim 21 is patentable over any combination of Fruchtman, Tremain, and Ulrich for at least this reason.

In addition, claim 21 has been amended to clarify that the server is connected via uplink and downlink gigabit connections to a routing switch for providing bandwidth for backup and recovery. This feature is not shown by any combination of Fruchtman, Tremain, and Ulrich. Accordingly, claim 21 is further patentable over these documents for this additional reason.

Claims 22-27 depend from claim 21 and are patentable for at least the same reasons.

CONCLUSION

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. In addition, Applicant reserves the right to address any comments made in the Office Action that were not specifically addressed herein. Thus, such comments should not be deemed admitted by the Applicant. **If any questions remain, the Examiner is invited to contact the undersigned at (404) 233-7000.**

Applicant respectfully submits that this Amendment is being submitted in accordance with 37 C.F.R. 1.34 by a registered patent practitioner acting in a representative capacity for Applicants.

Respectfully submitted,

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